

CITIZEN PARTICIPATION - A NEW LEVEL OF POWER





Never has citizen participation been so decisive in defining the future of our communities and their relationship with the environment.

“Participation is the foundation of the State and of democracy; a right and a responsibility that stem from the principle of solidarity, and from the unity of communities that share goals and seek the integration of all our people in the construction of a better country.” The right to participation is defined by Professor Gloria Amparo Rodríguez as a first-generation right in line with other basic civil and political rights. She includes this characterization in her introduction to *Participation in Environmental Management: A Challenge for the New Millennium (La participación en la gestión ambiental: un reto para el nuevo milenio)*, which she co-wrote in 2009 with Lina Marcela Muñoz.



Although Colombia is a model for the quality of its regulations and its jurisprudence, we must understand that the State, the private sector, and civil society should be guarantors of citizen participation.

With her conviction that participation is not only a right but often a duty, Professor Rodríguez has dedicated much of her life to encouraging vulnerable communities to build a universe of rights with which to protect their natural environment, a duty required for their own existence and that of future generations.

COLOMBIA IS RICH IN LAWS AND REGULATIONS, BUT...

Encased within public law is environmental law, a specialist line of research at the Universidad del Rosario, where Professor Rodríguez works to consolidate the defense of the public sphere in the face of troubling environmental challenges for a country rich in environmental regulations but with the second highest number of environmental disputes of all nations. In 2016 alone, there were more than 5,300 processes of prior consultation, a mechanism established just three months before the proclamation of Colombia's new constitution in 1991.

To face these challenges, Professor Rodríguez, who has focused particular attention on environmental conflicts and their prevalence in indigenous territories, backs an approach based on participatory action. This means going further than simple, scholarly observation in order to involve researchers with communities as the subjects, rather than the 'objects' of studies.

Putting this philosophy into action, she and her team have moved in close on the struggles of dozens of communities, such as in Chocó, Pasto, the Sierra Nevada de Santa Marta, and most recently in defense of the Santurbán Páramo.



↑ Professor Rodríguez has dedicated much of her life to supporting vulnerable communities in their struggle to build a universe of rights with which to protect their natural environment, a duty required for their own existence and that of future generations.

This approach has allowed for transdisciplinary treatment of questions regarding ethnicity and legal anthropology. “It’s not just trying to see communities, but also educating them,” says the professor, who also provides her own photographs for many of her papers, allowing her to capture and document the essence of the changes that different communities have made.

The interventions of Professor Rodríguez’s research group have greatly benefited from their assertive and didactic approach in producing manuals to facilitate the mechanisms they use to support communities. Rodríguez also writes her own blog (See <http://gloriamparodriguez.blogspot.com.co/>) and informs the public of the group’s activities through her social network sites, including @esp_ambiental on Twitter.

WHAT KIND OF DEVELOPMENT?

Although it is clear to her that the country must develop, Professor Rodríguez asks how Colombians conceive of “development.” The use of resources generates conflicts over different models of development. Mining resources are needed, but the thesis she backs is one that holds with the need for mining but not with how it is currently carried out.



THERE IS A NEED FOR TOTAL TRANSPARENCY IN MANAGING PUBLIC RESOURCES, AND A FLOWING RELATIONSHIP BETWEEN ACADEMICS, CITIZENS, THE STATE, AND THE PRIVATE SECTOR TO ENSURE COMPLIANCE WITH REGULATIONS

An additional problem is that the state is disjointed. Dialogue between its various institutions lacks discipline, so it needs to be better organized.

The State should listen more to communities. “For indigenous people, the right to prior consultation has always existed, but it only became enshrined in law in 1991, three months before the National Constituent Assembly.” Although Colombia is a model for the quality of its regulations and its jurisprudence, we must understand that the State, the private sector, and civil society should be guarantors of citizen participation. “Participation is

fundamental to provide protection and indispensable for inclusion in decisions,” says the professor.



NEW REPRESENTATION FROM THE COMMUNITIES

Communities today debate the construction of highways versus the defense of wetlands, but at least they can genuinely participate in such discussions rather than wait for decisions to be made in Bogotá that will determine the future of the Colombian periphery. This being the case, Professor Rodríguez argues that we need education so that communities can bring arguments to the debate and achieve representation that, although not replacing conventional representative democracy, might work around how it is currently applied in bodies such as the Senate or municipal councils. “Representation should be more inclusive. The councils, the Senate, and the House are not enough.”

She strongly points out that communities must not be silent witnesses but must take an active part from the very conception of projects: “Communities should participate in the project planning process at all stages. The people of the community are those who know the territory best and they must be included from the very beginning so their true needs are clear. No one is asking them what they need.”

A SPECIAL ENVIRONMENTAL COURT

While Rodríguez recognizes that the Constitutional Court has often found in favour of environmental causes since 1991, there is now a hotly-debated push for special environmental

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The Research Group on Public Law has moved in close on the struggles of dozens of communities, or example in Chocó.

courts with specialized personnel to consider these kinds of conflicts with more technical expertise. Professor Rodríguez supports the establishment of these special courts, which would be able to resolve such conflicts more efficaciously as, for example, in the frequent contradictions between environmental laws and mining regulations.

Rodríguez recognizes Colombia’s need for development, but she believes that the country should learn to weigh its decisions more carefully, making the most of new concepts such as “the ecological function of property” and the spreading opinion that the central government should not make decisions without considering the expectations of people on the periphery. “What do we want as a country, and what is going to be the outcome of each exercise?” she asks. Added to this question, she points out the clear need for total transparency in managing public resources, and a flowing relationship between academics, citizens, the state, and the private sector to ensure enforcement and respect for laws and regulations. ■